

Fill in this information to identify the case

Debtor 1 Linda Marie Patton FKA Linda Marie Ball, AKA Linda B Patton

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN District of PENNSYLVANIA
(State)

Case number 23-10105

Official Form 410
Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

PNC Bank, National Association

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor National City Bank

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent?

PNC Bank, N.A.

Name

Name

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

P.O. Box 94982

Number Street

Number Street

Cleveland OH 44101

City State ZIP Code

City State ZIP Code

Contact phone 866-622-2657

Contact phone _____

Contact Email: bankruptcy.claims@pnc.com

Contact Email: _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No ☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 6244

7. How much is the claim? \$241,118.97 Does this amount include interest or other charges? ☐ No ☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A)

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. Money Loaned

9. Is all or part of the claim secured? ☐ No ☒ Yes. The claim is secured by a lien on property. **Nature of property:** ☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.* 121 Davis Rd, Malvern, PA 19355 ☐ Motor vehicle ☐ Other. Describe: _____ **Basis for perfection:** Foreclosure judgement on note and mortgage-see attached Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) **Value of property:** \$ _____ **Amount of the claim that is secured:** \$241,118.97 **Amount of the claim that is unsecured:** \$0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.) **Amount necessary to cure any default as of the date of the petition:** \$241,118.97 **Annual Interest Rate** (when case was filed) 6.0% ☒ Fixed ☐ Variable

10. Is this claim based on a lease? ☒ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No ☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority

- ☒ No
- ☐ Yes. Check all that apply: Amount entitled to priority **Amount entitled to priority**
- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____
- ☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____
- ☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____
- ☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies. \$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b)

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/23/2023
 MM / DD / YYYY

/s/ Adam B. Hall

Signature

Print the name of the person who is completing and signing this claim:

Name Adam B. Hall
 First name Middle name Last name

Title Authorized Agent for Creditor

Company Manley Deas Kochalski LLC
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address P.O. Box 165028
 Number Street

Columbus, OH 43216-5028
 City State ZIP Code

Contact phone 614-220-5611 Email amps@manleydeas.com

Statement of Total Debt

Debtor(s): Linda Marie Patton FKA Linda Marie Ball, AKA Linda B Patton Creditor: PNC Bank, National Association

Case #: 23-10105

Chapter #: 13 Loan #: 6244

Total Debt \$241,118.97

Principal.....\$232,015.54
Interest\$9,103.43

TOTAL:\$241,118.97

This total cannot be relied upon as a payoff or reinstatement quotation. In order to obtain a payoff or reinstatement quote you must contact the creditor directly or the law firm representing this creditor.

23-001532 AHU

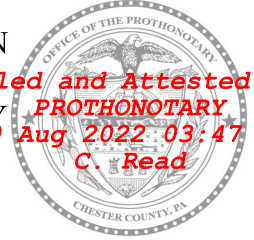
PNC BANK NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO NATIONAL
CITY BANK

vs.

LINDA B. PATTON a/k/a LINDA BALL
PATTON and DANIEL J. PATTON

: IN THE COURT OF COMMON
: CHESTER COUNTY, PENNSY
: CIVIL ACTION – LAW
: NO. 2020-02007-RC

Filed and Attested by
PROTHONOTARY
09 Aug 2022 03:47 PM
C. Read



ORDER and MEMORANDUM

AND NOW, this 9th day of August, 2022, upon consideration of Plaintiff's Motion for Summary Judgment filed May 3, 2022, no response thereto and for the reasons set forth in the attached Memorandum, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED** and an *in rem* judgment shall be entered in favor of Plaintiff and against Defendants in the amount of \$232,015.54 and interest from April 5, 2022 at the per diem rate of \$31.94 plus other costs and charges collectible under the Mortgage for foreclosure and sale of the mortgaged premises.

BY THE COURT:

BRET M. BINDER, J.

MEMORANDUM

This is a mortgage foreclosure action for Defendants' failure to make the required payments due beginning May 28, 2019 and for every month thereafter. The loan matured on November 28, 2019. For reasons stated below, this Court grants Plaintiff's Motion for Summary Judgment.

Summary judgment may only be granted in those situations where there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. Swords v. Harleysville Ins. Companies, 883 A.2d 562, 567 (Pa. 2005). In their Answer to Plaintiff's Complaint, Defendants, responding *pro se*, answer with "TBD" regarding Plaintiff's allegations of default and amount owed. See, Defendants' Answer, Paragraphs 5-6. Defendants admit the remainder of Plaintiff's Complaint. Id. General denials in a mortgage foreclosure action as to the principal and interest owing are deemed admissions of those facts. First Union Trust Company v. Strausser, 653 A.2d 688, 692 (Pa. Super. 1995). As Defendants failed to specifically deny the amount of the mortgage and the fact that the mortgage is in default, summary judgment in the amount of the principal, interest and late fees is proper. Landau v. Western Pennsylvania National Bank, 282 A.2d 335, 340 (Pa. 1971). Additionally, Defendants have failed to answer Plaintiff's Motion so summary judgment may be entered against them. See, Pa.R.C.P. No. 1035.3(d).

Accordingly, and for the reasons set forth above, this Court shall enter the above Order granting Plaintiff's Motion for Summary Judgment.